

1
2 BILL NO. Z-96-07-12
3

ZONING MAP ORDINANCE NO. Z-08-96
4

AN ORDINANCE amending the City of
5 Fort Wayne Zoning Map No. R-10.
6

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B4 (Roadside Business)

District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana of 1974:

Part of Lot Number 9 and part of Lot Number 12 in W.A. Ewing's Subdivision in the Northwest Quarter of Section 5, Township 30 North, Range 13 East, Allen County, Indiana; as described as follows:

Beginning at the Northwest corner of Lot Number 9 in W.A. Ewing's Subdivision in the Northwest Quarter of Section 5, Township 30 North, Range 13 East, Allen County, Indiana; thence Easterly along the North line of said Lot Number 9 in W.A. Ewing's Subdivision a distance of 425.0 feet; thence South with a deflection angle to the right of 90 degrees 03 minutes 30 seconds a distance of 378.0 feet; thence West with a deflection angle to the right of 89 degrees 56 minutes 30 seconds a distance of 425.0 feet to a point on the West line of Lot Number 12; thence North with a deflection angle to the right of 90 degrees 03 minutes 30 seconds along the West line of Lot Number 9 and Lot Number 12, a distance of 378.0 feet to the point of beginning, containing 3.69 acres.

and the symbols of the City of Fort Wayne Zoning Map R-10, as established by Section 157.016 of Title XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Thomas Haghmire
16
17 Councilmember

18 APPROVED AS TO FORM AND LEGALITY:
19

J. Timothy McCaulay
20 J. TIMOTHY McCAULAY, CITY ATTORNEY
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Read the first time in full and on motion by Hayhurst
and duly adopted, read the second time by title and referred to the
Committee on Deregulation (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on 19, the 19 day of July, at 10:00 o'clock
M., E.S.T.

DATED: 7-23-96

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Hayhurst
and duly adopted, placed on its passage. PASSED ~~LOSE~~
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS				<u>✓</u>
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY				<u>✓</u>
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 8-13-96

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL)

(ZONING)

ORDINANCE

RESOLUTION

NO 20-8-96

on the 13th day of August, 19 96

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

QD Scamman

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 14th day of August, 19 96,
at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of August,
19 96, at the hour of 10:00 o'clock A.M., E.S.T.

PAUL HELMKE, MAYOR



Petition for a Zoning Map Amendment

#18505

Community & Economic Development / 1 Main Street Rm #830 / Fort Wayne IN 46802 / (219) 427-1129

I/We Frank's Nursery Sales, Inc. & Crafts, Inc.

do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from designation

a/an: R1 and B1B

to a/an: B4

designation the property located at the common street address of: 1133 Coliseum Boulevard North and further described as follows: (See addendum attached as Exhibit "A" for the legal description of the property.)

(Please attach a legal description if more space is needed.)

The purpose of this rezoning is to permit the use of the property for the following: A self-storage "mini-warehouse" facility.

Property Owner(s) Name(s): Frank's Nursery Sales, Inc. & Crafts, Inc.

Street Address: 6501 East Nevada

City: Detroit

State: Michigan

Zip Code: 48234

Phone: (313) 564-2500

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

FRANK'S NURSERY SALES, INC.
& Crafts, Inc.

Robert M. Lovejoy 6-11-96
Signature
Printed Name
Date

By:

Signature

Signature

Printed Name

Date

Signature

Printed Name

Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests and deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: CITY OF FORT WAYNE.

Name and Address of preparer, attorney or agent.

James A. Federoff, Esq.

800 Standard Federal Plaza, P.O. Box 800

Fort Wayne, IN 46801-0800

(219) 422-0800

Telephone Number

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____

CERTIFICATE OF SURVEY

DUNOVAN ENGINEERING INC
2020 INWOOD DRIVE
EXECUTIVE PARK
FORT WAYNE, INDIANA 46815

GREGORY L. ROBERTS PLS S0548 IN
KENNETH W. HARRIS PLS 9500021 IN

JOHN R. DONOVAN PE #173 PLS #921 JN
FRANCIS X. MUELLER PLS S0183 IN

The undersigned has made a re-survey of the real estate located in ALLEN County, Indiana, as shown and described below. The description of the real estate is as follows:

Part of Lot Number 9 and part of Lot Number 12 in W. A. Ewing's Subdivision in the Northwest Quarter of Section 5, Township 30 North, Range 13 East, Allen County, Indiana; as described as follows:

Beginning at the Northwest corner of Lot Number 9 in W. A. Ewing's Subdivision in the Northwest Quarter of Section 5, Township 30 North, Range 13 East, Allen County, Indiana; thence Easterly along the North line of said Lot Number 9 in W. A. Ewing's Subdivision a distance of 425.0 feet; thence South with a deflection angle to the right of 90 degrees 03 minutes 30 seconds a distance of 378.0 feet; thence West with a deflection angle to the right of 89 degrees 56 minutes 30 seconds a distance of 425.0 feet to a point on the West line of Lot Number 12; thence North with a deflection angle to the right of 90 degrees 03 minutes 30 seconds along the West line of Lot Number 9 and Lot Number 12, a distance of 378.0 feet to the point of beginning, containing 3.69 acres.

NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0280 E, dated Feb. 16, 1995, the herein described real estate is located in Zone "X", and is not in a flood hazard area.

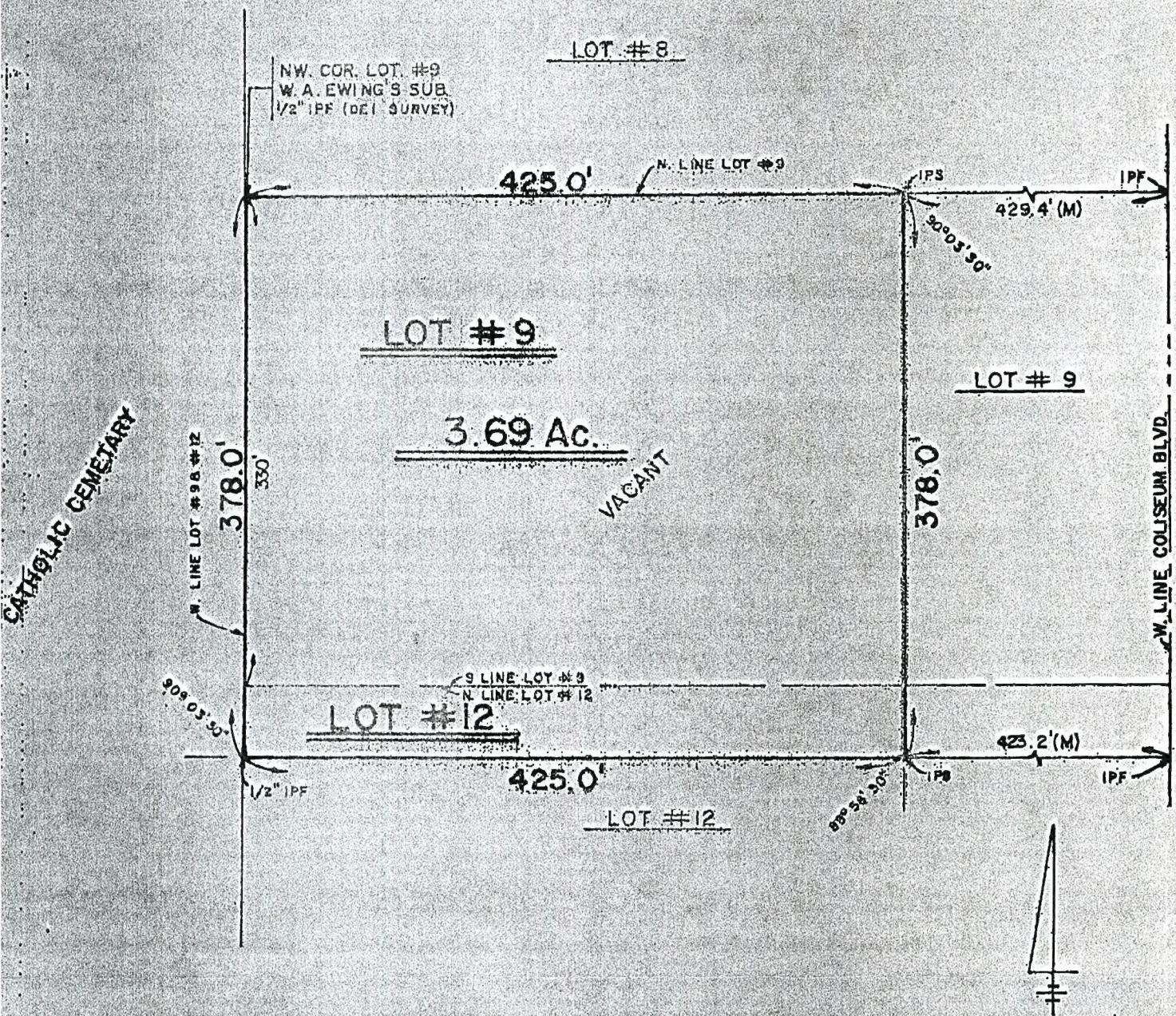
CERTIFICATE OF SURVEY

DONOVAN ENGINEERING INC
2020 INWOOD DRIVE
EXECUTIVE PARK
FORT WAYNE, INDIANA 46815

GREGORY L. ROBERTS PLS S0548 IN
KENNETH W. HARRIS PLS 9500021 IN

JOHN R. DONOVAN PE 0173 PLS 0021 IN
FRANCIS X. MUELLER PLS 80183 IN

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Scale: 1"=100'

Job No. 09EWL
Job for TURTLE CREEK

Date: 6-12-96

LEGEND
 IPF Iron Pin Found
 PF Iron Pipe Found
 IPFS 5/8" re-bar sol
 (with cap clamped #0027)
 PK P.K. Nail
 M Measured
 R Recorded
 C Calculated

Date of field work:

post-it Fax Note	7671	Date 6-12-96 (6 pages) P:
to: Tim Ochs	From: GREGORY L. ROBERTS	
to: Dept.	Co: DEI	
Phone #		
Fax #		

Distances are at grade except as noted.
 Distances are recorded
 except as noted.
 Points found have no documented history.
 as noted.



I hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief was executed according to the survey requirements set forth in 865 IAC 1-12.

CERTIFICATE OF SURVEY

DONOVAN ENGINEERING INC
2020 INWOOD DRIVE
EXECUTIVE PARK
FORT WAYNE, INDIANA 46815

GREGORY L. ROBERTS PLS S0546 IN
KENNETH W. HARRIS PLS 9500021 IN

JOHN R. DONOVAN PE #173 PLS #921 IN
FRANCIS X. MUELLER PLS S0193 IN

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Scale:

Date: 6-12-96

LEGEND

IPF	Iron Pin Found
PF	Iron Pipe Found
PS	5/8" re-bar end (with cap stamped #0027)
PK	P.K. Nail
(M)	Measured
(R)	Recorded
(C)	Calculated

All monuments are al granite except as noted.
All property line distances are recorded
dimensional, except as noted.
Monuments found have no documented history,
except as noted.

Date of field work:



SHEET 2 OF 2

I hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief was executed according to the survey requirements set forth in 865 IAC 1-12.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 23, 1996 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-96-07-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 15, 1996.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a **DO PASS** recommendation based on the Commission's following "Findings of Fact".

- 1) Approval of the request will not have an adverse impact on the current conditions in the area, or the character of structures and uses in the area.

The area has been developed commercially from the Coliseum Boulevard frontage to the cemetery.

- 2) Approval of the request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 22, 1996.

Certified and signed this
26th day of July 1996.



Carol Kettler Sharp
Secretary

From the desk of:
Pat Biancaniello

Agent:

James Federhoff
800 Standard Federal Plaza
P O Box 800
City 46801-0800

422-0800

2/96-07-12

BILL NO. Z-96-07-12

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of Fort Wayne
Zoning Map No. R-10

HAVE HAD SAID (ORDINANCE) (XXXXXX) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (XXXXXX)

Thomas Hayburn
• Elbee Hayes
• Lucille Ball
• William Farnsworth
• D.B. Schenck
• Martin L. Bender

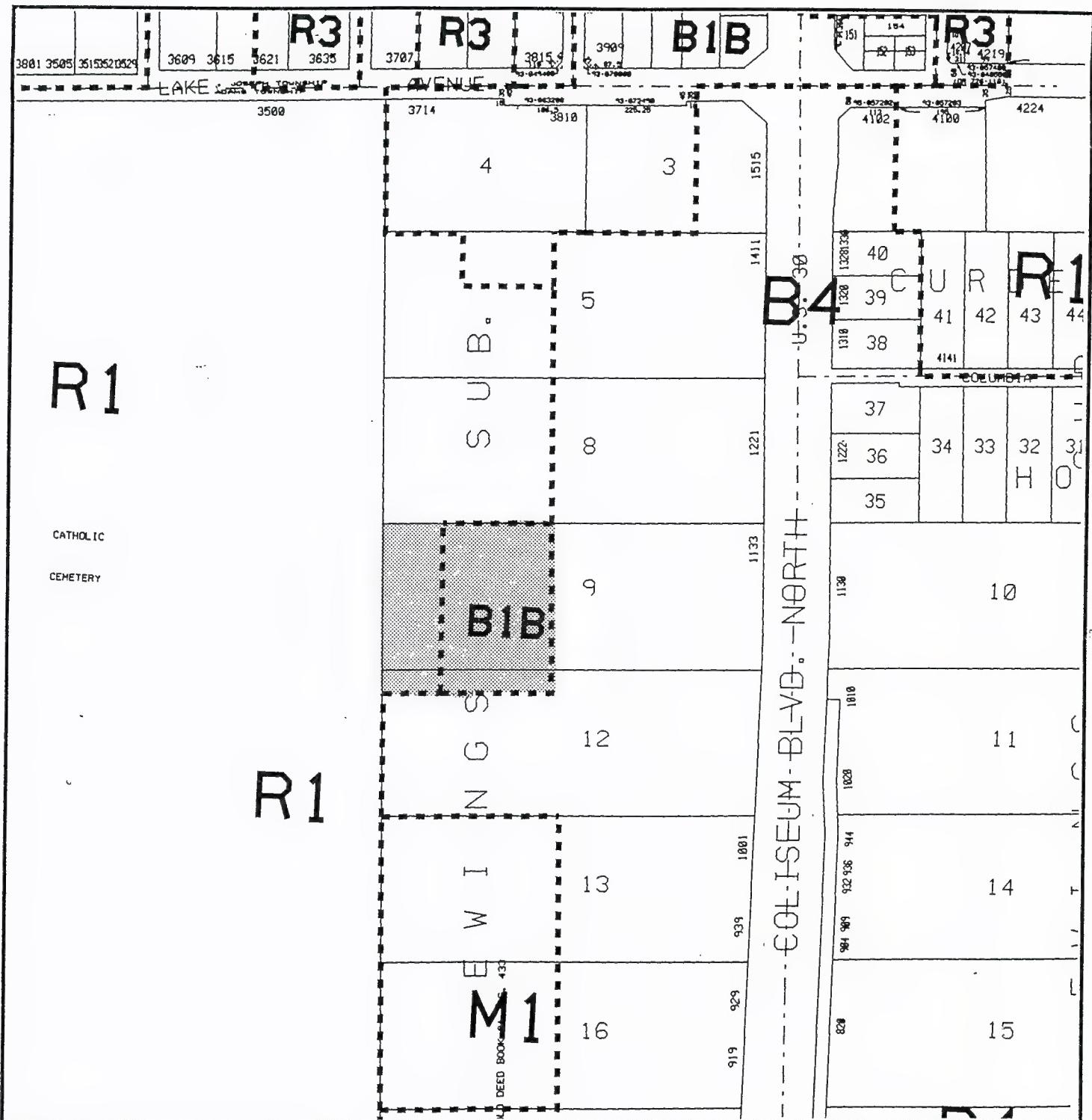
DATED :

Sandra E. Kennedy
City Clerk

REZONING PETITION

AREA MAP

CASE NO. #615



COUNCILMANIC DISTRICT NO. 1

Map No. R - 10
LW 6-22-96

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

ORIGINAL

ORIGINAL

#615

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 1133 N Coliseum Blvd

2-96-07-12

EFFECT OF PASSAGE Property is currently zoned R-1 - Single Family Residential and B-1-B - Limited Business District.
Property will become B-4 - Roadside Business District.

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single Family Residential and B-1-B - Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

FACT SHEET

Z-96-07-12

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment		
From R-1 & BlB to B-4		

DETAILS	POSITIONS	RECOMMENDATIONS
Specific Location and/or Address 1133 No Coliseum Bl	Sponsor	City Plan Commission
Reason for Project Future development of a mini-warehouse facility.	Area Affected	City Wide Other Areas
	Applicants/ Proponents	Applicant(s) Turtle Creek Management Inc City Department Other
Discussion (Including relationship to other Council actions) <u>15 July 1996 - Public Hearing</u> (See Attached Minutes of Meeting)	Opponents	Groups or Individuals Basis of Opposition
<u>22 July 1996 - Business Meeting</u> Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Of the eight (8) members present, seven (7) voted in favor of the motion, the Chair did not vote. Motion carried. Members Present: Linda Buskirk, Jim Dearing, Ernest Evans, DeDe Hall, James Hoch, Richard Pierce, Thomas Quirk, Dave Ross Member Absent: Carol Kettler Sharp	Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
	Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
	CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 13 June 1996

Projected Completion or Occupancy

Date 22 June 1996

Fact Sheet Prepared by

Date 22 June 1996

Patricia Biancaniello

Reviewed by

Date 29 June 1996

Reference of Case Number

- a. Change of Zone #615
From R-1 & B-1-B to B-4
1133 North Coliseum Blvd

Tim Ochs, attorney, representing the petitioners, Turtle Creek Management Inc., the potential developer of the new warehouse facility, as well as Frank's Nursery & Crafts, who are the present owners of the property, appeared before the Commission. Mr. Ochs stated that this property sits directly behind the Frank's Nursery and Crafts building and just north of an existing mini-warehouse facility. To the west is a cemetery and immediately to the north is Aramark Services and additional B-4 and R-1 zoning. Mr. Ochs stated that there are no traditional single family residences located in the immediate vicinity. He stated that the purpose of the request is to allow for the future development of this site as a mini-warehouse facility. If rezoning is approved, pursuant to the City of Fort Wayne Zoning Ordinance, a Special Use to allow the mini-warehouse facility must still be approved by the Board of Zoning Appeals. He stated that during that procedure a site plan will be submitted, and specific conditions of approval can be placed on the project, by the Board of Zoning Appeals. He stated that with regard to the rezoning, they believe that given the nature of the surrounding area, the proposed rezoning will not have an adverse impact on the surrounding real estate, particularly in light of the fact that there is an existing mini-warehouse facility that is adjacent to the property. He stated any possible adverse impact from this real estate could be mitigated by conditions of approval placed by the Board of Zoning Appeals. He stated that the concept for this self storage facility is very different than any other storage facility in the Fort Wayne area. He stated that currently the developer operates approximately 5 other self storage facilities around the Indianapolis area. He stated that a major improvement, to the proposed development, is the absence of unattractive chain link fence around the perimeter. He stated that the perimeter of the site will be the actual walls of the building. He stated that a break in the walls will be necessary to accommodate snow removal. He stated that there will be a small apartment over the office for a manager or other employee. He stated that the facility will be staffed 24 hours a day. He stated that several of the storage areas will be air-conditioned and heated, to provide a climate controlled storage area. He stated that this type of structure will allow people to store antiques and other valuables, which are subject to different temperatures. He stated that currently they are dealing with Frank's, to put a sign up on their existing sign, to alleviate the need for another sign. He stated that he felt that the requested rezoning follows the precedence already established along Coliseum Blvd., for additional commercial area. He stated that the applicant believes, especially given the unique nature of the proposed storage facility, that there would be a very strong market demand for this type of project. He stated that the staff comments are favorable for this request. He stated that in conclusion they would respectfully request that the Plan Commission forward the rezoning to the City Council with a DO PASS recommendation.

Jim Dearing questioned if the "green strip" around the structures (as shown on a rendering) was there to catch the water runoff.

Mr. Ochs stated that this site plan has already gone through a preliminary routing. He stated that Stormwater Engineering has reviewed the plan. He stated that there is an existing ditch that runs directly to the south to the Maumee River, and after meeting with Stormwater Engineering, they were informed that no on-site retention would be necessary. He stated that all water would be collected in the interior of the project and then routed through the ditch.

Jim Dearing asked if these structures were going to be built for long term.

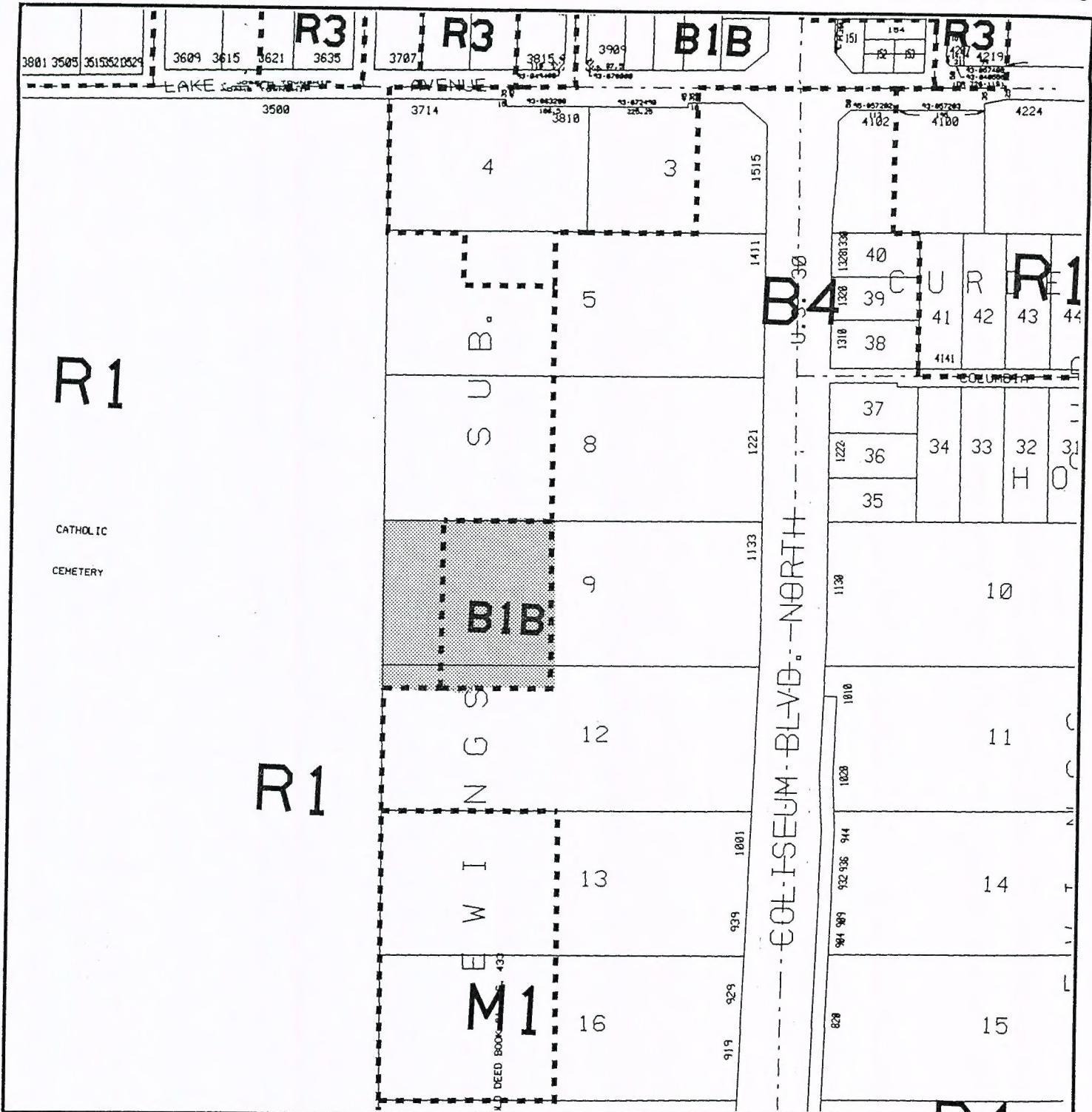
Mr. Ochs stated that it is long term. He stated that the developer's existing projects are a significant improvement over what you see in Fort Wayne.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning request.

REZONING PETITION

AREA MAP

CASE NO. #615



COUNCILMANIC DISTRICT NO. 1

Map No. R - 10
LW 6-22-96

R1	One-Family	B1	Limited Business	M1	Light Industrial
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WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 15, 1996.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a **DO PASS** recommendation based on the Commission's following "Findings of Fact".

- 1) Approval of the request will not have an adverse impact on the current conditions in the area, or the character of structures and uses in the area.

The area has been developed commercially from the Coliseum Boulevard frontage to the cemetery.

- 2) Approval of the request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

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Certified and signed this
26th day of July 1996.



Carol Kettler Sharp
Secretary

James A. Federoff, attorney for Frank's Nursery & Crafts, Inc. requests a change of zone from R-1 and B-1-B to B-4.

Location: 1133 Coliseum Boulevard North

Legal: See file

Land Area: Approximately 3.7 acres

Zoning: R-1 and B-1-B

Surroundings:	North	R-1 & B-4	Commercial
	South	B-4	Commercial
	East	B-4	Commercial
	West	R-1	Cemetery

Reason for Request: Future development of a mini-warehouse facility

Neighborhood Assoc.: None

Neighborhood Plan: No comment.

Comprehensive Plan: The general land use policies of the comprehensive plan state that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located in the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Planning Staff Discussion:

The Coliseum Boulevard frontage is zoned B-4 and has been developed commercially for many years. Recently another mini-warehouse facility was constructed south of this site.

The area directly west is a cemetery. There are no traditional residential uses in the area even though R-1 zoning is present. Franks Nursery's and Crafts is located on the front portion of this property, ARAMARK Services is immediately north.

Approval is consistent with existing zoning and development. This petition would align the existing zoning patterns, and eliminate an inappropriate R-1 designation. Additional commercial development would not have a negative impact on abutting uses or property values. The infrastructure is already in place to support the requested zoning.

Recommendation: Do Pass for the following reasons:

1) Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area.

The area has been developed commercially from the Coliseum Boulevard frontage to the cemetery.

2) Approval of the request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area.

3) Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area.